NOTIFICATION.

No. L.D. 940—Legis. 4-52-33, dated Bangalore, 22nd August 1952.

Ordered that the Prevention of Corruption (Second Amendment) Act, 1952 (Central Act No. LIX of 1952), published in the *Gazette of India*, Extraordinary, Part II, Section 1, dated the 14th August 1952 be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja

N. R. JAYA RAO,
Legal Remembrancer and Secretary to Government, Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF LAW.

Received Assent on 12th August 1952.

THE PREVENTION OF CORRUPTION (SECOND (AMENDMENT) ACT, 1952

(LIX OF 1952)

AN

ACT

further to amend the Prevention of Corruption Act, 1947.

BE it enacted by Parliament as follows :—

1. Short title.—This Act may be called the Prevention of Corruption (Second Amendment) Act, 1952.

2. Amendment of section 3, Act II of 1947.—In section 3 of the Prevention of Corruption Act, 1947 (hereinafter referred to as the principal Act),—

(*a*) after the word and figures "section 165" the words, figures and letter "or section 165A" shall be inserted ; and

(*b*) the proviso shall be omitted.

3. Amendment of section 4, Act II of 1947.—The proviso to section 4 of the principal Act shall be omitted and the said section shall be re-numbered as sub-section (*1*) thereof and after sub-section (*1*) as so re-numbered, the following sub-section shall be inserted, namely :—

"(*2*) Where in any trial of an offence punishable under section 165A of the Indian Penal Code (Act XLV of 1860), it is proved that any gratification (other than legal remuneration) or any valuable thing has been given or offered to be given or attempted to be given by an accused person, it shall be presumed unless the contrary is proved that he gave or offered to give or attempted to give that gratification or that valuable thing, as the case may be, as a motive or reward such as is mentioned in section 161 of the Indian Penal Code or, as the case may be, without consideration or for a consideration which he knows to be inadequate.

(3) Notwithstanding anything contained in sub-sections (1) and (2), the court may decline to draw the presumption referred to in either of the said sub-sections, if the gratification or thing aforesaid is, in its opinion, so trivial that no inference of corruption may fairly be drawn."

4. Amendment of section 5, Act II of 1947.—For sub-section (4) of section 5 of the principal Act, the following sub-section shall be substituted, namely :—

"(4) The provisions of this section shall be in addition to and not in derogation of, any other law for the time being in force, and nothing contained herein shall exempt any public servant from any proceeding which might, apart from this section, be instituted against him."

5. Insertion of new section 5A in Act II of 1947.—After section 5 of the principal Act, the following section shall be inserted, namely :—

"5A. *Investigation into cases under this Act.*—Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898), no police officer below the rank—

(a) in the presidency towns of Madras and Calcutta, of an Assistant Commissioner of Police.

(b) in the presidency town of Bombay, of a Superintendent of Police, and

(c) elsewhere, of a Deputy Superintendent of Police,

shall investigate any offence punishable under section 161, section 165 or section 165A of the Indian Penal Code (Act XLV of 1860) or under sub-section (2) of section 5 of this Act, without the order of a Presidency Magistrate or a Magistrate of the first-class, as the case may be, or make any arrest therefor without a warrant :

Provided that a police officer of the Delhi Special Police Establishment, not below the rank of an Inspector of Police, who is specially authorised by the Inspector-General of Police of that Establishment may, if he has reasons to believe that on account of the delay involved in obtaining the order of a Magistrate of the first-class, any valuable evidence relating to such offence is likely to be destroyed or concealed, investigate the offence without such order ; but in every case where he makes such investigation, the police officer shall, as soon as may be, send a report of the same to a Magistrate of the first-class, together with the circumstances in which the investigation was made."

6. Amendment of section 6, Act II of 1947.—Section 6 of the principal Act shall be re-numbered as sub-section (1) thereof and after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely :—

"(2) Where for any reason whatsoever any doubt arises whether the previous sanction as required under sub-section (1) should be given by the Central or State Government or any other authority, such sanction shall be given by that Government or authority which would have been competent to remove the public servant from his office at the time when the offence was alleged to have been committed."

7. Amendment of section 7, Act II of 1947.—In section 7 of the principal Act, after the word and figures "section 165" the words, figures and letter "or section 165A" shall be inserted.

K. Y. BHANDARKAR,
Secretary to the Govt. of India.